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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF	§	
	§	
INTERCONTINENTAL TERMINALS COMPANY	§	
	§	
PERMITTEE	§	STIPULATION AND AGREEMENT
	§	
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM	§	
	§	
PERMIT NO. TX0068439	§	
	§	

This Stipulation and Agreement is entered into by and between the United States Environmental Protection Agency, Region 6 ("Region 6"), and Intercontinental Terminals Company, Permittee ("Intercontinental").

WHEREAS, Permittee, filed an application for reissuance of a National Pollutant Discharge Elimination System ("NPDES") permit for discharges associated with Permittee's facility at 1943 Battleground Road in Harris County, Texas;

WHEREAS, the Regional Administrator of Region 6 issued NPDES Permit No. TX0068439 (the "Permic") to the Permittee on June 20, 1997;

WHEREAS, Permittee filed a timely request for an evidentiary hearing regarding certain terms and conditions of the Permit;

WHEREAS, since the filing of the hearing request, Permittee and Region 6 have engaged in discussions regarding the modification of certain terms and conditions of the Permit;

WHEREAS, Region 6 and Permittee desire to resolve all issues raised in Permittee's hearing request by modifying the Permit;

WHEREAS, Region 6 has agreed to modify certain terms and conditions by issuing a modified Permit and Permittee has agreed to withdraw Permittee's evidentiary hearing request; and

WHEREAS, the undersigned representatives for the respective parties warrant that they have been vested by the parties with

the authority to bind these parties to the provisions of this Stipulation and Agreement;

NOW THEREFORE, Region 6 and Permittee hereby stipulate and agree as follows:

PERMIT TERMS AND CONDITIONS

Region 6 agrees to issue a final permit containing effluent limitations and conditions as listed in Exhibit A.

Permittee agrees that an evidentiary hearing request will not be filed concerning the final permit as listed in Exhibit A. Permittee hereby waives any rights it may have, in any subsequent evidentiary hearing or any other administrative or judicial proceeding concerning the Permit, to challenge the terms and conditions of the Permit.

As a result, upon issuance by Region 6 of the Final Permit and upon agreement by Permittee not to file an evidentiary hearing request in connection with the Permit, and in fulfillment of and consistent with the terms of this Stipulation and Agreement, the above captioned matter shall be deemed final and concluded.

EFFECTIVE DATE

This Stipulation and Agreement is executed and shall become effective on the date that it is signed by Permittee and Region 6.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 6

Date: 11/19/97

Robyn L. Moore

Robyn L. Moore
Assistant ~~Associate~~ Regional Counsel (RC)
Office of Regional Counsel

INTERCONTINENTAL TERMINALS COMPANY

Date: Oct. 14, 1997

Melvin L. Mouton
Vice President, Environmental and
Regulatory Compliance

EXHIBIT A

NPDES PERMIT NO. TX0068439
FACT SHEET

FOR THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT TO DISCHARGE TO WATERS OF THE UNITED STATES

APPLICANT:	Intercontinental Terminals Company P.O. Box 698 Deer Park, TX 77536
ISSUING OFFICE:	U.S. Environmental Protection Agency Region 6 1445 Ross Avenue Dallas, Texas 75202-2733
PREPARED BY:	Fred Humke Industrial Permits Section (6WQ-PI) NPDES Permits Branch Water Quality Protection Division 214-665-7191
PERMIT ACTION:	Proposed modification of the current permit in settlement of an evidentiary request.
DATE PREPARED:	August 6, 1997
PAGES:	2 (TEXT)

40 CFR CITATIONS: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of 7/1/97.

It is proposed that the current permit be modified to expire on May 1, 2000 following the requirements of 30 TAC 305.71, 20 TexReg 19, 1/3/95 as allowed under 40 CFR Part 122.46(c).

The changes from the current proposed permit are:

Outfall 002 (Final).

For Chemical Oxygen Demand the Daily Maximum limit is changed to 400 mg/l.

The specific effluent limitations and/or conditions will be found in the draft permit. A discussion of the development of the specific effluent limitations and/or conditions follows.

II. APPLICANT ACTIVITY

Under the Standard Industrial Classification (SIC) Code(s) 4226, the applicant currently operates a bulk liquids storage terminal and commercial wastewater treatment facility.

III. DISCHARGE LOCATION

As described in the application, the plant site is located at 1943 Battleground Road in Harris County, Texas. The discharge(s) are to receiving water(s) named Houston Ship Channel in Waterbody Segment Code No. 1006 of the San Jacinto River Basin.

IV. RECEIVING WATER USES

The known uses of the receiving water(s) are:

HOUSTON SHIP CHANNEL (WATERBODY SEGMENT CODE NO. 1006)
Navigation and Industrial Water Supply

V. STREAM STANDARDS

The general criteria and numerical criteria which make up the stream standards are provided in the Texas Surface Water Quality Standards, 30 TAC Sections 307.2 - 307.10 (20 TexReg 4701, June 1995).

VI. DISCHARGE DESCRIPTION

The discharge of Chemical Oxygen Demand at Outfall 002 is changed to 400 mg/l daily maximum consistent with the present permit, anticipated process loading and calculation of the associated loading limits. The present permit, issued December 15, 1993 with an effective date of February 1, 1994 and an expiration date of November 1, 1995, provides a daily maximum limit of 150 mg/l for Chemical Oxygen Demand. Although the reapplication showed a daily maximum level of 97 mg/l for Chemical Oxygen Demand, the permitte contends that anticipated process characteristics require the continuation of the higher 400 mg/l for Chemical Oxygen Demand at this outfall.

VII. TENTATIVE DETERMINATION

On the basis of staff review the Environmental Protection Agency has made a determination to modify the permit for the discharge of Chemical Oxygen Demand at Outfall 002.

Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

NPDES Permit No. TX0068349

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq; the "Act"),

Intercontinental Terminals Company
P.O. Box 698
Deer Park, Texas 77536

is authorized to discharge from a facility located at 1943 Battleground Road in Deer Park, Harris County, Texas

to receiving waters named Houston Ship Channel, Waterbody Segment Code No. 1006 of the San Jacinto River Basin, from

Final Outfall 001: Latitude 29°44'39"N, Longitude 95°06' 15"W
Final Outfall 002: Latitude 29°43'59"N, Longitude 95°06' 05"W
Final Outfall 003: Latitude 29°44'00"N, Longitude 95°05' 50"W
Final Outfall 004: Latitude 29°43'39"N, Longitude 95°05' 48"W
Final Outfall 005: Latitude 29°44'27"N, Longitude 95°05' 58"W
Final Outfall 006: Latitude 29°44'05"N, Longitude 95°06' 45"W
Final Outfall 007: Latitude 29°44'30"N, Longitude 95°06' 00"W
Final Outfall 008: Latitude 29°44'32"N, Longitude 95°05' 50"W
Final Outfall 009: Latitude 29°44'40"N, Longitude 95°05' 34"W

in accordance with this cover page and effluent limitations, monitoring requirements, and other conditions set forth in Parts I [Requirements for NPDES Permits - 14 pages], II [Other Conditions - 18 pages], and III [Standard Conditions for NPDES Permits - 7 pages] hereof.

This permit supersedes and replaces NPDES Permit No. TX0068439 issued December 17, 1993.

This permit shall become effective on

This permit and the authorization to discharge shall expire at midnight, May 1, 2000.

Issued on

William B. Hathaway
Director
Water Quality Protection Division (6WQ)

PART I - REQUIREMENTS FOR NPDES PERMITS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALLS 001, 003, 004, 005, 006, 008,009 (FINAL)

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted),

the permittee is authorized to discharge from Final Outfalls 001, 003, 004, 005, 006, 008,009: the intermittent discharge of stormwater to the Houston Ship Channel in Segment 1006 of the San Jacinto River Basin

Such discharges shall be limited and monitored by the permittee as specified below:

pH RANGE

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMENTS	
CONVENTIONAL	QUALITY (UNITS AS STATED) MINIMUM	MAXIMUM
pH (Standard Units) STORET: 00400	6.0	9.0

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS	
	FREQUENCY OF ANALYSIS	SAMPLE TYPE
CONVENTIONAL		
pH (Standard Units) STORET: 00400	1/day 2/	Grab

CHEMICAL/PHYSICAL/BIOCHEMICAL

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMENTS			
	QUANTITY/LOADING (LBS/DAY UNLESS STATED)		QUALITY/CONCENTRATION (mg/L UNLESS STATED)	
CONVENTIONAL	DAILY AVG	DAILY MAX	DAILY AVG	DAILY MAX
Oil and Grease STORET: 00556	****	****	N/A	15 1/
NONCONVENTIONAL				
Flow STORET: 50050	Report MGD	Report MGD	****	****
COD (Mid/High Level) STORET: 00340	****	****	N/A	150 1/
Ammonia Nitrogen (Total as N) STORET: 00610	****	****	N/A	1.5 1/
Organic Nitrogen (Total as N) STORET: 00605	****	****	N/A	1.5 1/
Phenolics, Total Recoverable STORET: 32730	****	****	N/A	0.1 1/
Total Purgeable Halocarbons STORET: 39084	****	****	N/A	0.5 1/
METALS AND CYANIDE				

Zinc (Total) 3/ STORET: 01092	****	****	0.3	0.5

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS	
	FREQUENCY OF ANALYSIS	SAMPLE TYPE
CONVENTIONAL		
Oil and Grease STORET: 00556	1/day 2/	Grab
NONCONVENTIONAL		
Flow STORET: 50050	1/day 2/	Estimate
COD (Mid/High Level) STORET: 00340	1/day 2/	Grab
Ammonia Nitrogen (Total as N) STORET: 00610	1/month 2/	Grab
Organic Nitrogen (Total as N) STORET: 00605	1/month 2/	Grab
Phenolics, Total Recoverable STORET: 32730	1/month 2/	Grab
Total Purgeable Halocarbons STORET: 39084	1/month 2/	Grab
METALS AND CYANIDE		
Zinc (Total) 3/ STORET: 01092	1/day 2/	Grab

SAMPLING LOCATION(S) AND OTHER REQUIREMENTS

SAMPLING LOCATION(S)

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

At Outfall 001, on Tucker Bayou approximately 1800 feet upstream from the Houston Ship Channel.
At Outfall 003, outlet on the south side of Tidal Road on the eastern section of the plant.
At Outfall 004, outlet located on the southwest corner of the facility, approximately 2500 feet south of Tidal Road.
At Outfall 005, outlet on Tucker Bayou approximately 1100 feet south of Outfall 001.
At Outfall 006, outlet on Tucker Bayou approximately 1400 feet south of Outfall 001.
At Outfall 008, outlet located along drainage ditch south of Ship Dock #1.
At Outfall 009, outlet located along drainage ditch on northeast corner of facility.

NO DISCHARGE REPORTING

If there is no discharge event at this outfall during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the preprinted Discharge Monitoring Report.

FLOATING SOLIDS OR VISIBLE FOAM

There shall be no discharge of floating solids or visible foam in other than trace amounts.

FOOTNOTES

1/ Instantaneous grab sample value.

2/ When discharging.

3/ For Outfall 003 only. Refer to Other Conditions Part N. for test out option.

PART I - REQUIREMENTS FOR NPDES PERMITS

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

OUTFALLS 002 (FINAL)

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted),

the permittee is authorized to discharge from Final Outfall 002: the continuous discharge of treated industrial wastewater to the Houston Ship Channel in Segment 1006 of the San Jacinto River Basin.

Such discharges shall be limited and monitored by the permittee as specified below:

pH RANGE

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMENTS	
CONVENTIONAL	QUALITY (UNITS AS STATED) MINIMUM	MAXIMUM
pH (Standard Units) STORET: 00400	6.0	9.0

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS	
	FREQUENCY OF ANALYSIS	SAMPLE TYPE
CONVENTIONAL		
pH (Standard Units) STORET: 00400	1/day 2/	Grab

CHEMICAL/PHYSICAL/BIOCHEMICAL

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMENTS			
	QUANTITY/LOADING (LBS/DAY UNLESS STATED)		QUALITY/CONCENTRATION (mg/L UNLESS STATED)	
CONVENTIONAL	DAILY AVG	DAILY MAX	DAILY AVG	DAILY MAX
BOD5 STORET: 00310	45.00	90.00	N/A	40
Oil and Grease STORET: 00556	23.80	34.00	N/A	15 1/
TSS STORET: 00530	79.00	160.00	N/A	70.00
NONCONVENTIONAL				
Flow STORET: 50050	Report MGD	Report MGD	****	****
COD (Mid/High Level) STORET: 00340	569.00	901.00	N/A	400
Ammonia Nitrogen (Total as N) STORET: 00610	11.30	16.00	N/A	7.0
Organic Nitrogen (Total as N) STORET: 00605	15.00	30.00	N/A	13
Phenolics, Total Recoverable	0.23	0.68	N/A	0.3 1/

STORET: 32730				
Total Purgeable Halocarbons STORET: 39084	0.22	0.46	N/A	0.5 1/
Total BTEX STORET: 84085	0.31	1.10	N/A	0.46 1/
VOLATILE COMPOUNDS				
Acrylonitrile STORET: 34215	0.22	0.55	N/A	N/A
Benzene STORET: 34030	0.08	0.31	N/A	N/A
Carbon Tetrachloride STORET: 32102	0.04	0.09	N/A	N/A
Chlorobenzene STORET: 34301	0.03	0.06	N/A	N/A
Chloroethane STORET: 34311	0.24	0.61	N/A	N/A
Chloroform STORET: 32106	0.05	0.10	N/A	N/A
1,1-Dichloroethane STORET: 34496	0.05	0.13	N/A	N/A
1,2-Dichloroethane STORET: 34531	0.15	0.48	N/A	N/A
1,1-Dichloroethylene STORET: 34501	0.04	0.06	N/A	N/A
1,2-Dichloropropane STORET: 34541	0.35	0.52	N/A	N/A
1,3-Dichloropropylene STORET: 34561	0.07	0.10	N/A	N/A
Ethylbenzene STORET: 34371	0.07	0.25	N/A	N/A
Methyl Chloride STORET: 34418	0.20	0.43	N/A	N/A
Methylene Chloride STORET: 34423	0.09	0.20	N/A	N/A
Tetrachloroethylene STORET: 34475	0.05	0.13	N/A	N/A
Toluene STORET: 34010	0.06	0.18	N/A	N/A
1,2-trans-Dichloroethylene STORET: 34546	0.05	0.12	N/A	N/A
1,1,1-Trichloroethane STORET: 34506	0.05	0.12	N/A	N/A
1,1,2-Trichloroethane STORET: 34511	0.05	0.12	N/A	N/A
Trichloroethylene STORET: 39180	0.05	0.12	N/A	N/A
Vinyl Chloride STORET: 39175	0.24	0.61	N/A	N/A
ACID COMPOUNDS				
2-Chlorophenol STORET: 34586	0.07	0.22	N/A	N/A
2,4-Dichlorophenol STORET: 34601	0.09	0.26	N/A	N/A
2,4-Dimethylphenol STORET: 34606	0.04	0.08	N/A	N/A
4,6-Dinitro-o-Cresol STORET: 34657	0.18	0.63	N/A	N/A

2,4-Dinitrophenol STORET: 34616	0.16	0.28	N/A	N/A
2-Nitrophenol STORET: 34591	0.09	0.16	N/A	N/A
4-Nitrophenol STORET: 34646	0.16	0.28	N/A	N/A
Phenol STORET: 34694	0.03	0.06	N/A	N/A

BASE/NEUTRAL COMPOUNDS

Acenaphthene STORET: 34205	0.05	0.13	N/A	N/A
Acenaphthylene STORET: 34200	0.05	0.13	N/A	N/A
Anthracene STORET: 34220	0.05	0.13	N/A	N/A
Benzo(a)anthracene STORET: 34526	0.05	0.13	N/A	N/A
Benzo(a)pyrene STORET: 34247	0.05	0.14	N/A	N/A
3,4-Benzofluoranthene STORET: 34230	0.05	0.14	N/A	N/A
Benzo(k)fluoranthene STORET: 34242	0.05	0.13	N/A	N/A
Bis(2-Ethylhexyl) Phthalate STORET: 39100	0.23	0.64	N/A	N/A
Chrysene STORET: 34320	0.05	0.13	N/A	N/A
1,2-Dichlorobenzene STORET: 34536	0.18	0.37	N/A	N/A
1,3-Dichlorobenzene STORET: 34566	0.07	0.10	N/A	N/A
1,4-Dichlorobenzene STORET: 34571	0.03	0.06	N/A	N/A
Diethyl Phthalate STORET: 34336	0.18	0.46	N/A	N/A
Dimethyl Phthalate STORET: 34341	0.04	0.11	N/A	N/A
Di-n-Butyl Phthalate STORET: 39110	0.06	0.13	N/A	N/A
2,4-Dinitrotoluene STORET: 34611	0.26	0.65	N/A	N/A
2,6-Dinitrotoluene STORET: 34626	0.58	1.46	N/A	N/A
Fluoranthene STORET: 34376	0.06	0.15	N/A	N/A
Fluorene STORET: 34381	0.05	0.13	N/A	N/A
Hexachlorobenzene STORET: 39700	0.03	0.05	N/A	N/A
Hexachlorobutadiene STORET: 34391	0.05	0.11	N/A	N/A
Hexachloroethane STORET: 34396	0.05	0.12	N/A	N/A
Naphthalene STORET: 34696	0.05	0.13	N/A	N/A
Nitrobenzene STORET: 34447	0.06	0.15	N/A	N/A
Phenanthrene STORET: 34461	0.03	0.06	N/A	N/A

Pyrene STORET: 34469	0.06	0.15	N/A	N/A
1,2,4-Trichlorobenzene STORET: 34551	0.15	0.32	N/A	N/A
Sulfide (as S) STORET: 00745	0.45	0.90	N/A	0.40
Phosphate (Total as PO4) STORET: 00650	N/A	N/A	N/A	15.00
METALS AND CYANIDE				
Arsenic (Total) STORET: 01002	0.23	0.46	N/A	0.20
Chromium (Total) STORET: 01034	0.55	1.09	N/A	0.50
Copper (Total) STORET: 01042	Report	0.03	N/A	0.03
Nickel (Total) STORET: 01067	0.34	0.71	N/A	0.31
Zinc (Total) STORET: 01092	0.35	0.74	N/A	0.33
Cyanide (Total) STORET: 00720	0.02	0.04	N/A	0.02

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS	
	FREQUENCY OF ANALYSIS	SAMPLE TYPE
CONVENTIONAL		
BOD5 STORET: 00310	2/week	Composite
Oil and Grease STORET: 00556	2/week	Grab
TSS STORET: 00530	2/week	Composite
NONCONVENTIONAL		
Flow STORET: 50050	1/op. Shift	Record
COD (Mid/High Level) STORET: 00340	2/week	Composite
Ammonia Nitrogen (Total as N) STORET: 00610	2/week	Composite
Organic Nitrogen (Total as N) STORET: 00605	2/week	Composite
Phenolics, Total Recoverable STORET: 32730	2/week	Grab
Total Purgeable Halocarbons STORET: 39084	2/week	Grab
Total BTEX STORET: 84085	2/week	Grab
VOLATILE COMPOUNDS		
Acrylonitrile STORET: 34215	1/Quarter	Grab
Benzene STORET: 34030	1/Quarter	Grab
Carbon Tetrachloride STORET: 32102	1/Quarter	Grab
Chlorobenzene STORET: 34301	1/Quarter	Grab
Chloroethane STORET: 34311	1/Quarter	Grab

Chloroform STORET: 32106	1/Quarter	Grab
1,1-Dichloroethane STORET: 34496	1/Quarter	Grab
1,2-Dichloroethane STORET: 34531	1/Quarter	Grab
1,1-Dichloroethylene STORET: 34501	1/Quarter	Grab
1,2-Dichloropropane STORET: 34541	1/Quarter	Grab
1,3-Dichloropropylene STORET: 34561	1/Quarter	Grab
Ethylbenzene STORET: 34371	1/Quarter	Grab
Methyl Chloride STORET: 34418	1/Quarter	Grab
Methylene Chloride STORET: 34423	1/Quarter	Grab
Tetrachloroethylene STORET: 34475	1/Quarter	Grab
Toluene STORET: 34010	1/Quarter	Grab
1,2-trans-Dichloroethylene STORET: 34546	1/Quarter	Grab
1,1,1-Trichloroethane STORET: 34506	1/Quarter	Grab
1,1,2-Trichloroethane STORET: 34511	1/Quarter	Grab
Trichloroethylene STORET: 39180	1/Quarter	Grab
Vinyl Chloride STORET: 39175	1/Quarter	Grab

ACID COMPOUNDS

2-Chlorophenol STORET: 34586	1/Quarter	Grab
2,4-Dichlorophenol STORET: 34601	1/Quarter	Grab
2,4-Dimethylphenol STORET: 34606	1/Quarter	Grab
4,6-Dinitro-o-Cresol STORET: 34657	1/Quarter	Grab
2,4-Dinitrophenol STORET: 34616	1/Quarter	Grab
2-Nitrophenol STORET: 34591	1/Quarter	Grab
4-Nitrophenol STORET: 34646	1/Quarter	Grab
Phenol STORET: 34694	1/Quarter	Grab

BASE/NEUTRAL COMPOUNDS

Acenaphthene STORET: 34205	1/Quarter	Grab
Acenaphthylene STORET: 34200	1/Quarter	Grab
Anthracene STORET: 34220	1/Quarter	Grab
Benzo(a)anthracene STORET: 34526	1/Quarter	Grab

Benzo(a)pyrene STORET: 34247	1/Quarter	Grab
3,4-Benzofluoranthene STORET: 34230	1/Quarter	Grab
Benzo(k)fluoranthene STORET: 34242	1/Quarter	Grab
Bis(2-Ethylhexyl) Phthalate STORET: 39100	1/Quarter	Grab
Chrysene STORET: 34320	1/Quarter	Grab
1,2-Dichlorobenzene STORET: 34536	1/Quarter	Grab
1,3-Dichlorobenzene STORET: 34566	1/Quarter	Grab
1,4-Dichlorobenzene STORET: 34571	1/Quarter	Grab
Diethyl Phthalate STORET: 34336	1/Quarter	Grab
Dimethyl Phthalate STORET: 34341	1/Quarter	Grab
Di-n-Butyl Phthalate STORET: 39110	1/Quarter	Grab
2,4-Dinitrotoluene STORET: 34611	1/Quarter	Grab
2,6-Dinitrotoluene STORET: 34626	1/Quarter	Grab
Fluoranthene STORET: 34376	1/Quarter	Grab
Fluorene STORET: 34381	1/Quarter	Grab
Hexachlorobenzene STORET: 39700	1/Quarter	Grab
Hexachlorobutadiene STORET: 34391	1/Quarter	Grab
Hexachloroethane STORET: 34396	1/Quarter	Grab
Naphthalene STORET: 34696	1/Quarter	Grab
Nitrobenzene STORET: 34447	1/Quarter	Grab
Phenanthrene STORET: 34461	1/Quarter	Grab
Pyrene STORET: 34469	1/Quarter	Grab
1,2,4-Trichlorobenzene STORET: 34551	1/Quarter	Grab
Sulfide (as S) STORET: 00745	2/week	Grab
Phosphate (Total as PO4) STORET: 00650	1/Quarter	Grab
METALS AND CYANIDE		
Arsenic (Total) STORET: 01002	2/week	Composite
Chromium (Total) STORET: 01034	2/week	Composite
Copper (Total) STORET: 01042	2/week	Composite
Nickel (Total) STORET: 01067	2/week	Composite
Zinc (Total) STORET: 01092	2/week	Composite

Cyanide (Total) STORET: 00720	2/week	Composite

WHOLE EFFLUENT TOXICITY LIMIT

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREME QUALITY (PERCENT % UNLESS STATED) 30-DAY AVG MINIMUM	7-DAY MINIMUM
Whole Effluent Lethality (7-Day NOEC) STORET: 22414	Report	Report
Whole Effluent Lethality (7-Day NOEC) STORET: 22414	8%	8%
Menidia beryllina		
STORET: TLP6B	Report	Report
STORET: TOP6B	Report	Report
STORET: TPP6B	Report	Report
Mysidopsis bahia		
STORET: TLP3E	Report	Report
STORET: TOP3E	Report	Report
STORET: TPP3E	Report	Report

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS FREQUENCY OF ANALYSIS	SAMPLE TYPE
Whole Effluent Lethality (7-Day NOEC) STORET: 22414	1/quarter	24-Hr. Composite
Menidia beryllina		
STORET: TLP6B	1/quarter	24-Hr. Composite
STORET: TOP6B	1/quarter	24-Hr. Composite
STORET: TPP6B	1/quarter	24-Hr. Composite
Mysidopsis bahia		
STORET: TLP3E	1/quarter	24-Hr. Composite
STORET: TOP3E	1/quarter	24-Hr. Composite
STORET: TPP3E	1/quarter	24-Hr. Composite

WHOLE EFFLUENT TOXICITY TESTING (TEXAS 24-HOUR)

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMEN QUALITY (PERCENT % UNLESS STATED) 30-DAY AVG MINIMUM	24-HR MINIMUM
Whole Effluent Toxicity Testing (TX 24-Hr. LC50)		
Menidia beryllina STORET: TIE6B	Report	Report
Mysidopsis bahia STORET: TIE3E	Report	Report

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS	
	FREQUENCY OF ANALYSIS	SAMPLE TYPE
Whole Effluent Toxicity Testing (TX 24-Hr. LC50)		
Menidia beryllina STORET: TIE6B	2/Year	24-Hr. Composite
Mysidopsis bahia STORET: TIE3E	2/Year	24-Hr. Composite

SAMPLING LOCATION(S) AND OTHER REQUIREMENTS

SAMPLING LOCATION(S)

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

At Outfall 002, at the point of discharge from the weir box into Tucker Bayou and just south of Tidal Road.

NO DISCHARGE REPORTING

If there is no discharge event at this outfall during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the preprinted Discharge Monitoring Report.

FLOATING SOLIDS OR VISIBLE FOAM

There shall be no discharge of floating solids or visible foam in other than trace amounts.

FOOTNOTES

1 / Instantaneous grab sample value.

OUTFALL 007(FINAL)

During the period beginning the effective date of the permit and lasting through the expiration date of the permit (unless otherwise noted),

the permittee is authorized to discharge from Final Outfall 007: the discharge of treated ballast water to the Houston Ship Channel.

Such discharges shall be limited and monitored by the permittee as specified below:

pH RANGE

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMENTS	
	QUALITY (UNITS AS STATED)	
CONVENTIONAL	MINIMUM	MAXIMUM
pH (Standard Units) STORET: 00400	6.0	9.0

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS	
	FREQUENCY OF ANALYSIS	SAMPLE TYPE
CONVENTIONAL		
pH (Standard Units) STORET: 00400	1/day 2/	Grab

CHEMICAL/PHYSICAL/BIOCHEMICAL

PARAMETERS/STORET CODES	DISCHARGE LIMITATIONS/REPORTING REQUIREMENTS			
	QUANTITY/LOADING (LBS/DAY UNLESS STATED)		QUALITY/CONCENTRATION (mg/L UNLESS STATED)	
CONVENTIONAL	DAILY AVG	DAILY MAX	DAILY AVG	DAILY MAX
TSS STORET: 00530	14.6	29.2	N/A	70
Oil and Grease STORET: 00556	4.2	6.3	N/A	15 1/
NONCONVENTIONAL				
Flow STORET: 50050	Report MGD	Report MGD	****	****
COD STORET: 00340	41.7	62.6	N/A	150

PARAMETERS/STORET CODES	MONITORING REQUIREMENTS	
	FREQUENCY OF ANALYSIS	SAMPLE TYPE
CONVENTIONAL		
TSS STORET: 00530	2/week 2/	Composite
Oil and Grease STORET: 00556	2/week 2/	Grab
NONCONVENTIONAL		
Flow STORET: 50050	1/op. shift 2/	Record
COD STORET: 00340	2/week 2/	Composite

SAMPLING LOCATION(S) AND OTHER REQUIREMENTS

SAMPLING LOCATION(S)

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): At Outfall 007, at the discharge point for treated ballast water prior to entering Tucker Bayou.

NO DISCHARGE REPORTING

If there is no discharge event at this outfall during the sampling month, place an "X" in the NO DISCHARGE box located in the upper right corner of the preprinted Discharge Monitoring Report.

FLOATING SOLIDS OR VISIBLE FOAM

There shall be no discharge of floating solids or visible foam in other than trace amounts.

FOOTNOTES

1/ Instantaneous grab sample value.

2/ When discharging.

B. SCHEDULE OF COMPLIANCE

The permittee shall achieve compliance with the effluent limitations specified for discharges in accordance with the following schedule:

NONE

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date. Any reports of noncompliance shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

C. REPORTING OF MONITORING RESULTS (MAJOR DISCHARGERS)

Monitoring information shall be on Discharge Monitoring Report Form(s) EPA 3320-1 as specified in Part III.D.4 of this permit and shall be submitted monthly.

1. Reporting periods shall end on the last day of the month.

2. The permittee is required to submit regular monthly reports as described above postmarked no later than the following day of the month following each reporting period.

STATE	DAY
Texas Permits	25th

PART II - OTHER CONDITIONS

A. MINIMUM QUANTIFICATION LEVEL (MQL)

If any individual analytical test result is less than the minimum quantification level listed below, a value of zero (0) may be used for that individual result for the Discharge Monitoring Report (DMR) calculations and reporting requirements.

METALS AND CYANIDE	MQL (µg/L)
Arsenic (Total)	10
Chromium (Total)	10
Copper (Total)	10
Nickel (Total)	10
Selenium (Total)	10
Zinc (Total)	5
Cyanide (Total)	20

VOLATILE COMPOUNDS	MQL (µg/L)
Acrylonitrile	50
Benzene	10
Carbon Tetrachloride	10
Chlorobenzene	10
Chloroethane	50
Chloroform	10
1,1-Dichloroethane	10
1,2-Dichloroethane	10
1,1-Dichloroethylene	10
1,2-Dichloropropane	10
1,3-Dichloropropylene	10
Ethylbenzene	10
Methyl Chloride [Chloromethane]	50
Methylene Chloride	20
Tetrachloroethylene	10
Toluene	10
1,2-trans-Dichloroethylene	10
1,1,1-Trichloroethane	10
1,1,2-Trichloroethane	10
Trichloroethylene	10
Vinyl Chloride	10

ACID COMPOUNDS	MQL (µg/L)
2-Chlorophenol	10
2,4-Dichlorophenol	10
2,4-Dimethylphenol	10
4,6-Dinitro-o-Cresol [2-Methyl-4,6-Dinitrophenol]	50
2,4-Dinitrophenol	50
2-Nitrophenol	20
4-Nitrophenol	50
Phenol	10

BASE/NEUTRAL COMPOUNDS	MQL (µg/L)
Acenaphthene	10
Acenaphthylene	10
Anthracene	10
Benzo(a)anthracene	10
Benzo(a)pyrene	10
3,4-Benzofluoranthene	10
Benzo(k)fluoranthene	10
Bis(2-ethylhexyl) Phthalate	10
Chrysene	10

1,2-Dichlorobenzene	10
1,3-Dichlorobenzene	10
1,4-Dichlorobenzene	10
Diethyl Phthalate	10
Dimethyl Phthalate	10
Di-n-Butyl Phthalate	10
2,4-Dinitrotoluene	10
2,6-Dinitrotoluene	10
Fluoranthene	10
Fluorene	10
Hexachlorobenzene	10
Hexachlorobutadiene	10
Hexachloroethane	20
Naphthalene	10
Nitrobenzene	10
Phenanthrene	10
Pyrene	10
1,2,4-Trichlorobenzene	10

The permittee may develop an effluent specific method detection limit (MDL) in accordance with Appendix B to 40 CFR Part 136. For any pollutant for which the permittee determines an effluent specific MDL, the permittee shall send to the EPA Region 6 NPDES Permits Branch (6WQ-P) a report containing QA/QC documentation, analytical results, and calculations necessary to demonstrate that the effluent specific MDL was correctly calculated. An effluent specific minimum quantification level (MQL) shall be determined in accordance with the following calculation:

$$MQL = 3.3 \times MDL$$

Upon written approval by the EPA Region 6 NPDES Permits Branch (6WQ-P), the effluent specific MQL may be utilized by the permittee for all future Discharge Monitoring Report (DMR) calculations and reporting requirements.

B. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.7.b.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to EPA Region 6, Compliance and Assurance Division, Water Enforcement Branch (6EN-W), Dallas, Texas, within 24 hours from the time the permittee becomes aware of the violation followed by a written report in five days.

METALS AND CYANIDE
Chromium (Total)
Copper (Total)
Lead (Total)
Nickel (Total)
Zinc (Total)
Cyanide (Total)

VOLATILE COMPOUNDS
Acrylonitrile
Benzene
Carbon Tetrachloride
Chlorobenzene
Chloroethane
Chloroform
1,1-Dichloroethane
1,2-Dichloroethane
1,1-Dichloroethylene

1,2-Dichloropropane
1,3-Dichloropropylene
Ethylbenzene
Methyl Chloride
Methylene Chloride
Tetrachloroethylene
Toluene
1,2-trans-Dichloroethylene
1,1,1-Trichloroethane
1,1,2-Trichloroethane
Trichloroethylene
Vinyl Chloride

ACID COMPOUNDS
2-Chlorophenol
2,4-Dichlorophenol
2,4-Dimethylphenol
4,6-Dinitro-o-Cresol
2,4-Dinitrophenol
2-Nitrophenol
4-Nitrophenol
Phenol

BASE/NEUTRAL COMPOUNDS
Acenaphthene
Acenaphthylene
Anthracene
Benzo(a)anthracene
Benzo(a)pyrene
3,4-Benzofluoranthene
Benzo(k)fluoranthene
Bis(2-Ethylhexyl) Phthalate
Chrysene
1,2-Dichlorobenzene
1,3-Dichlorobenzene
1,4-Dichlorobenzene
Diethyl Phthalate
Dimethyl Phthalate
Di-n-Butyl Phthalate
2,4-Dinitrotoluene
2,6-Dinitrotoluene
Fluoranthene
Fluorene
Hexachlorobenzene
Hexachlorobutadiene
Hexachloroethane
Naphthalene
Nitrobenzene
Phenanthrene
Pyrene
1,2,4-Trichlorobenzene

C. COMPOSITE SAMPLING (24-HOUR)

1. STANDARD PROVISIONS

Unless otherwise specified in this permit, the term "24-hour composite sample" means a sample consisting of a minimum of three (3) aliquot of effluent collected at regular intervals over a normal 24-hour operating period and combined in proportion to flow or a sample continuously collected in proportion to flow over a normal 24-hour operating period.

2. VOLATILE COMPOUNDS

For the "24-hour composite" sampling of volatile compounds using EPA Methods 601, 602, 603, 624, 1624, or any other 40 CFR Part 136 method approved after the effective date of the permit, the permittee shall manually collect four (4) aliquot (grab samples) in clean zero head-space containers at regular intervals during the actual hours of discharge during the 24-hour sampling period using sample collection, preservation, and handling techniques specified in the test method. These aliquot must be combined in the laboratory to represent the composite sample of the discharge. One of the following alternative methods shall be used to composite these aliquot.

a. Each aliquot is poured into a syringe. The plunger is added, and the volume in the syringe is adjusted to 1-1/4 ml. Each aliquot (1-1/4 ml.) is injected into the purging chamber of the purge and trap system. After four (4) injections (total 5 ml.), the chamber is purged. Only one analysis or run is required since the aliquot are combined prior to analysis.

b. Chill the four (4) aliquot to 4 Degrees Centigrade. These aliquot must be of equal volume, Carefully pour the contents of each of the four aliquot into a 250-500 ml. flask which is chilled in a wet ice bath. Stir the mixture gently with a clean glass rod while in the ice bath. Carefully fill two (2) or more clean 40 ml. zero head-space vials from the flask and dispose of the remainder of the mixture. Analyze one of the aliquot to determine the concentration of the composite sample. The remaining aliquot(s) are replicate composite samples that can be analyzed if desired or necessary.

c. Alternative sample compositing methods may be used following written approval by EPA Region 6.

The individual samples resulting from application of these compositing methods shall be analyzed following the procedures specified for the selected test method. The resulting analysis shall be reported as the daily composite concentration.

As an option to the above compositing methods, the permittee may manually collect four (4) aliquot (grab samples) in clean zero head-space containers at regular intervals during the actual hours of discharge during the 24-hour sampling period using sample collection, preservation, and handling techniques specified in the test method. A separate analysis shall be conducted for each discrete grab sample following the approved test methods. The determination of daily composite concentration shall be the arithmetic average (weighted by flow) of all grab samples collected during the 24-hour sampling period.

D. WHOLE EFFLUENT TOXICITY LIMITS (7-DAY CHRONIC NOEC MARINE)

1. SCOPE AND METHODOLOGY

a. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO FINAL OUTFALL(S): 002

REPORTED ON DMR AS FINAL OUTFALL: 002

CRITICAL DILUTION (%):	8
EFFLUENT DILUTION SERIES (%):	3,5,6,8,11
COMPOSITE SAMPLE TYPE:	Defined at PART I
TEST SPECIES/METHODS:	40 CFR Part 136

Mysidopsis bahia (Mysid shrimp) chronic static renewal 7-day survival and growth test using Method 1007.0, EPA/600/4-91/003, or the most recent update thereof.

Menidia beryllina (Inland Silverside minnow) chronic static renewal 7-day larval survival and growth test, Method 1006.0, EPA/600/4-91/003, or the most recent update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

b. The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution which does not result in lethality that is statistically different from the control (0% effluent) at the 95% confidence level.

c. The conditions of this item are effective beginning with the effective date of the WET limit. When the testing frequency stated above is less than monthly and the effluent fails the survival endpoint at the critical dilution, the permittee shall be considered in violation of this permit limit and the frequency for the affected species will increase to monthly until such time compliance with the Lethal No Observed Effluent Concentration (NOEC) effluent limitation is demonstrated for a period of three consecutive months, at which time the permittee may return to the testing frequency stated in PART I of this permit. During the period the permittee is out of compliance, test results shall be reported on the DMR for that reporting period.

d. This permit may be reopened to require chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. REQUIRED TOXICITY TESTING CONDITIONS

a. TEST ACCEPTANCE

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

I. The toxicity test control (0% effluent) must have survival equal to or greater than 80%.

ii. The mean dry weight of surviving Mysid shrimp at the end of the 7 days in the control (0% effluent) must be 0.20 mg per mysid or greater. Should the mean dry weight in the control be

less than 0.20 mg per mysid, the toxicity test, including the control and all effluent dilutions shall be repeated.

iii. The mean dry weight of surviving unpreserved Inland Silverside minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.50 mg per larva or greater. The mean dry weight of surviving preserved Inland Silverside minnow larvae at the end of the 7 days in the control (0% effluent) must be 0.43 mg per larva or greater.

iv. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: the growth and survival endpoints of the Mysid shrimp test and the Inland Silverside minnow test.

v. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal or nonlethal effects are exhibited for: the growth and survival endpoints of the Mysid shrimp test and the Inland Silverside minnow test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

b. STATISTICAL INTERPRETATION

For the Mysid shrimp and the Inland Silverside minnow larval survival and growth test, the statistical analyses used to determine if there is a significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA/600/4-91/003 or the most recent update thereof.

If the conditions of Test Acceptability are met in Item 2.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test, and the permittee shall report an NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 3 below.

c. DILUTION WATER

I. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness, and salinity to the closest downstream perennial water where the receiving stream is classified as intermittent or where the

receiving stream has no flow due to zero flow conditions.

ii. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of Item 2.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

(A) a synthetic dilution water control which fulfills the test acceptance requirements of Item 2.a was run concurrently with the receiving water control;

(B) the test indicating receiving water toxicity has been carried out to completion (i.e., 7 days);

(C) the permittee includes all test results indicating receiving water toxicity with the full report and information required by Item 3.a below; and

(D) the synthetic dilution water shall have a pH, hardness, and salinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

d. SAMPLES AND COMPOSITES

I. The permittee shall collect a minimum of three flow-weighted composite samples from the outfall(s) listed at Item 1.a above.

ii. The permittee shall collect second and third composite samples for use during 24-hour renewals of each dilution concentration for each test. The permittee must collect the composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

iii. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 72 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 4 degrees Centigrade during collection, shipping, and/or storage.

iv. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number

of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days if the discharge occurs over multiple days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in Item 3 of this section.

3. REPORTING

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this section in accordance with the Report Preparation Section of EPA/600/4-91/003, or the most current publication, for every valid or invalid toxicity test initiated whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit full reports only upon the specific request of the Agency.

b. The permittee shall report the Whole Effluent Lethality values for the 30-Day Average Minimum and the 7-Day Minimum under Parameter No. 22414 on the DMR for that reporting period in accordance with PART III.D.4 of this permit.

If more than one valid test for a species was performed during the reporting period, the test NOECs will be averaged arithmetically and reported as the DAILY AVERAGE MINIMUM NOEC for that reporting period.

If more than one species is tested during the reporting period, the permittee shall report the lowest 30-Day Average Minimum NOEC and the lowest 7-Day Minimum NOEC for Whole Effluent Lethality.

A valid test for each species must be reported on the DMR during each reporting period specified in PART I of this permit. Only ONE set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST Survival results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for EPA review.

c. The permittee shall submit the results of the valid toxicity test on the DMR for that reporting period in accordance with PART III.D.4 of this permit, as follows below. Submit retest information clearly

marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR.

I. Menidia beryllina (Inland Silverside minnow)

(A) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP6B.

(B) Report the NOEC value for survival, Parameter No. TOP6B.

(C) Report the NOEC value for growth, Parameter No. TPP6B.

ii. Mysidopsis bahia (Mysid shrimp)

(A) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TLP3E.

(B) Report the NOEC value for survival, Parameter No. TOP3E.

(C) Report the NOEC value for growth, Parameter No. TPP3E.

E. WHOLE EFFLUENT TOXICITY TESTING (TEXAS 24-HOUR ACUTE LC50 MARINE)

1. SCOPE AND METHODOLOGY

a. The provisions of this section shall apply individually and separately to the outfalls listed below. No samples or portions of samples from one outfall may be composited with samples or portions of samples from another outfall. The provisions of this section are in addition to other biomonitoring requirements in this permit.

APPLICABLE TO FINAL OUTFALL(S): 002

COMPOSITE SAMPLE TYPE: Defined at PART I

TEST SPECIES/METHODS: 40 CFR Part 136

Mysidopsis bahia (Mysid shrimp) acute static nonrenewal 24-hour toxicity test using EPA/600/4-90/027F, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

Menidia beryllina (Inland Silverside minnow) acute static nonrenewal 24-hour toxicity test using EPA/600/4-90/027F, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

24-HOUR ACUTE TEST SUBSTITUTIONS - If any other tests conducted under biomonitoring requirements elsewhere in PART II of this permit include the 100% effluent

concentration in the dilution series, the mean survival results at 24 hours from those tests, for each species, may be submitted to fulfill the requirements of this section. See Item 4.b of this section for acceptable test substitutions. The >50% survival in 100% effluent for 24 hour period standard applies to all tests utilizing a 100% effluent dilution, regardless of whether the results are submitted for compliance with the minimum testing frequency.

b. The permittee shall test the effluent for lethality in accordance with the provisions of this section. Such testing will determine if an effluent sample meets the Texas Surface Water Quality Standard listed at 30 TAC §307.6(e)(2)(B) of greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

c. The permittee shall submit the results of these tests on the Discharge Monitoring Report (DMR) due in the month following the test.

d. In addition to an appropriate control (0% effluent), a 100% effluent concentration shall be used in the toxicity tests.

e. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

2. PERSISTENT LETHALITY

a. If any toxicity test at the 100% effluent concentration demonstrates 50% or greater mortality, the permittee shall conduct two (2) additional tests (retests) for each species that demonstrates mortality and report these results as required in Item 4 of this section. The two additional retests shall be conducted monthly during the next two consecutive months. Five (5) dilutions in addition to an appropriate control (0% effluent) shall be used in the two (2) retests. These effluent concentrations shall be 6%, 13%, 25%, 50%, and 100%. If one of the retests indicates 50% or greater mortality at the 100% effluent concentration, the permittee may suspend additional retesting for this period and shall notify the EPA in writing within five (5) days. If none of the retests indicates 50% or greater mortality at the 100% effluent concentration, the permittee shall continue testing at the original frequency.

b. Within thirty (30) days after submitting the original and retest results which demonstrate 50% or greater mortality at the 100% effluent concentration, the permittee shall initiate a Toxicity Reduction Evaluation (TRE) in accordance with the procedures stated in Item 5 below and substituting the timetable given in Item 2.c, below. The permittee shall continue biomonitoring quarterly (as a minimum) during the TRE, using the affected species, unless otherwise

authorized by the permitting authority. All information related to the TRE shall be directed to the Texas Natural Resources Conservation Commission (TNRCC).

c. Within eighteen (18) months from the date of completion of the test confirming 50% or greater mortality at the 100% effluent concentration, the permittee shall submit a Final Report on Toxicity Reduction Activities detailing the specific actions and control mechanism(s) and necessary to achieve greater than 50% survival in 100% effluent for a period of 24 hours. The final report shall also contain a corrective action schedule for implementing the control measures outlined.

Within three (3) years from the date of completion of the test confirming 50% or greater mortality at the 100% effluent concentration, the permittee shall demonstrate greater than 50% mean survival of the appropriate test organism in 100% effluent for a 24-hour test period for all subsequent testing.

3. REQUIRED TOXICITY TESTING CONDITIONS

a. CONTROL/DILUTION WATER

Control and/or dilution water used in the test shall normally consist of a standard, synthetic, reconstituted seawater. If the permittee is utilizing the results of a 48-hour acute test or 7-day chronic test to satisfy these 24-hour acute biomonitoring requirements in accordance with Item 1.a, the permittee may use receiving water as the control and dilution water if the control meets the requirements of Item 3.b.

b. CONTROL SURVIVAL

If more than 10% of the test organisms in any control die within 24 hours, that test including the control and all effluent dilution(s) shall be repeated with all results from both tests reported as per Item 4 of this section.

c. REPEAT TEST

The permittee shall repeat a test, including the control and nnall effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied. A repeat test shall be conducted within the required reporting period of any test determined to be invalid, in accordance with Item 3.b of this section.

d. SAMPLES AND COMPOSITES

The samples shall be collected at a point following the last treatment unit.

One flow-weighted composite sample representative of normal operating flows will be collected from each

outfall, and a discrete test will be run on each composite sample.

Samples shall be chilled to 4 degrees Centigrade during collection, shipping, and/or storage. The toxicity tests must be initiated within 36 hours after collection of the composite sample. The composite sample must be collected such that the sample is representative of any periodic episode of chlorination, biocide usage, or other potentially toxic substance discharged on an intermittent basis.

4. REPORTING

a. The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation section of EPA/600/4-90/027F for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of PART III.C.3 of this permit. The permittee shall submit the information contained in any full report upon the specific request of the Agency.

b. The permittee shall report the following results of each toxicity test on the subsequent monthly DMR for that reporting period in accordance with PART III.D.4 of this permit.

i. Menidia beryllina (Inland Silverside minnow)

Enter the following codes on the DMR for Parameter No. TIE6B:

"0" if mean survival at 24 hrs. is greater than 50% in 100% effluent;

"1" if the mean survival at 24 hrs. is less than or equal to 50% in 100% effluent.

In cases of test substitution (See 24 HOUR ACUTE TEST SUBSTITUTIONS, Item 1.a, above), mean survival results in 100% effluent from the 48 hr. acute or 7 day chronic Menidia beryllina or Cyprinodon variegatus tests, determined at 24 hrs., shall be reported on the DMR under Parameter No. TIE6B.

ii. Mysidopsis bahia (Mysid shrimp)

Enter the following codes on the DMR for Parameter No. TIE3E:

"0" if mean survival at 24 hrs. is greater than 50% in 100% effluent;

"1" if the mean survival at 24 hrs. is less than or equal to 50% in 100% effluent.

In cases of test substitution (See 24-HOUR ACUTE TEST SUBSTITUTIONS, Item 1.a, above), mean

survival results in 100% effluent from the 48 hr. acute or 7 day chronic Mysidopsis bahia tests, determined at 24 hrs., shall be reported on the DMR under Parameter No. TIE3E.

5. TEXAS 24-HR LC50 TOXICITY REDUCTION EVALUATION (TRE)

a. Within thirty (30) days of confirming lethality in the retests, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

i. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures, the permittee shall perform multiple characterizations and follow the procedures specified in the documents "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA-600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate;

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, VA 22161

ii. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity;

iii. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and

iv. Project Organization (e.g., project staff, project manager, consulting services, etc.).

b. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.

c. The permittee shall submit a quarterly TRE Activities Report with the Discharge Monitoring Report in the months of January, April, July, and October containing information on toxicity reduction evaluation activities including:

i. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;

ii. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and

iii. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet the Texas Surface Water Quality Standard listed at 30 TAC §307.6(e)(2)(B) of greater than 50% survival of the appropriate test organisms in 100% effluent for a 24-hour period.

A copy of the TRE Activities Report shall also be submitted to the state agency.

d. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than eighteen (18) months from confirming lethality in the retests, which provides information pertaining to the specific

control mechanism selected that will, when implemented, result in reduction of effluent toxicity to less than 50% mortality in 100% effluent after 24 hours. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the state agency.

F. MIXING ZONE DEFINITION (TEXAS)

BAY, ESTUARY, OR WIDE TIDAL RIVER

Chronic toxic criteria apply at the edge of the mixing zone. The mixing zone is defined as a volume within a radius of 200 feet from the point of discharge for Outfalls 002 and 007.

G. Wastewaters which have been contaminated with polychlorinated biphenyl compounds (PCB's) or dioxins shall not be treated or discharged from this facility.

H. Rainfall runoff discharged from any point source from the plant area not identified in this permit by outfall shall not: (a) contain floating solids, visible oil or visible foam in other than trace amounts, (b) have a pH less than 6.0 nor greater than 9.0 standard units at any time, or e exceed a chemical oxygen demand of 200 mg/l nor an oil and grease concentration of 15 mg/l on a grab sample.

I. Any spill of chemical or waste material shall be immediately cleaned up and disposed of in a manner which prevents contamination of discharged storm water runoff from Outfalls 001, 003, 004, 005, 006, 008, and/or 009.

J. Ballast Water shall be stored in a tank and tested for Chemical Oxygen Demand (COD) prior to discharge. Water which has a COD greater than 150 mg/l shall be treated in the biological treatment system and discharged through Outfall 002.

K. In Plant Waste:

1. Wastewaters generated from the storage and handling of chemicals may be discharged provided the chemical can be effectively treated. The permittee shall maintain a record of all chemicals which have been handled at the site including the following information:

a) Chemical name and common name.
b) Chemical Abstracts Service registry number.
c) Data on aerobic biodegradability.
d) Source of data on aerobic biodegradability including page numbers.

The records shall be maintained at the plant site for a minimum of 3 years and shall be made available for inspection by authorized Texas Natural Resource Conservation Commission personnel.

2. The permittee shall also maintain a log of products currently being stored.

L. Third Party Wastes

The permittee is authorized to accept for treatment and to properly treat wastewaters from miscellaneous sources provided that:

1. A) Before the permittee treats any waste, a detailed chemical and physical profile of a representative sample of the waste must be obtained. At a minimum, this analysis must contain all the information which must be known to treat the waste. The profile shall include:

Chemical Oxygen Demand
Oil and Grease
Total Suspended Solids
pH
Ammonia Nitrogen
Phosphorous (PO_4)
Cyanide-Amenable to Chlorination
Phenols
Total Purgeable Halocarbons
Heavy metals listed in 30 TAC §307.6

B) The profile may also include data developed by the permittee using generally accepted methods, and existing published or documented data on the waste, or on waste generated from similar processes. This information can be supplied, all or in part, by the generator of the waste.

C) The waste does not contain the following toxic materials in concentrations which exceed the acute criteria for marine waters listed in 30 TAC §307.6: Aldrin, Cadmium, DDT, Dieldrin, Heptachlor, Hexachlorocyclohexane (Lindane), Lead, Mercury, Selenium, and Silver. In addition, the waste must not contain the following toxic materials in concentrations which exceed the analytical practical

quantitation limits given in parenthesis: Chlordane (0.15 µg/l), Chlorpyrifos (0.05 µg/l), Endosulfan (0.10 µg/l), Endrin (0.10 µg/l), and Toxaphene (5.0 µg/l).

D) The profile and analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

(i) When the permittee is notified, or has reason to believe, that the process or operation generating the waste has changed; and

(ii) When the results of the inspection required in paragraph (a) (5) of this section indicate that the waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

(iii) At least once per year.

E) The permittee must inspect and analyze each waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

(i) The analysis of each truckload shall include:

Chemical Oxygen Demand
Oil and Grease
Total Suspended Solids
pH
Toxicity Threshold Test

The toxicity threshold test shall be performed to verify that the waste stream is not toxic to the biological treatment system.

(ii) If more than one truck load of wastewater is received from a large batch which is stored by the generator in a single tank, then the analysis specified in (5) (I) is only required on the first truck load.

(iii) If more than one truckload of wastewater (of a single waste stream) is received by ITC from a generator and stored in one large batch tank separate from other wastes at ITC, then analyses specified in (5) (I) is only required on one representative sample of the batch.

b. Adequate capacity is available to treat the additional load.

c. Miscellaneous wastes which contain toxic or hazardous materials not compatible with or treatable by the

treatment system and not considered in the development of this permit shall not be accepted.

M. Any water contacting hazardous waste or hazardous waste residues shall be treated in the wastewater treatment system and shall not be discharged through Outfalls 001, 003, 004, 005, 006, 007, 008, and/or 009.

N. If the the daily average results for Zinc is less than 0.179 mg/l for six consecutive discharges from Outfall 003 after permit issusance, the permittee may stop sampling for this parameter. If the average after the six consecutive discharges after permit issuance is greater than 0.179 mg/l, the permittee shall start another six consecutive samples to test out of this parameter. Thereafter, if the average sample results for any six consecutive discharges is less than 0.179 mg/l, the permittee may stop sampling for Zinc at Outfall 003.

PART III - STANDARD CONDITIONS FOR NPDES PERMITS

A. GENERAL CONDITIONS

1. INTRODUCTION

In accordance with the provisions of 40 CFR Part 122.41, et. seq., this permit incorporates by reference ALL conditions and requirements applicable to NPDES Permits set forth in the Clean Water Act, as amended, (hereinafter known as the "Act") as well as ALL applicable regulations.

2. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. TOXIC POLLUTANTS

a. Notwithstanding Part III.A.5, if any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition.

b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

4. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR Part 122.6 and any subsequent amendments.

5. PERMIT FLEXIBILITY

This permit may be modified, revoked and reissued, or terminated for cause in accordance with 40 CFR 122.62-64. The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

6. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

7. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

8. CRIMINAL AND CIVIL LIABILITY

Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to 18 U.S.C. Section 1001.

9. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

10. STATE LAWS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.

11. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

B. PROPER OPERATION AND MAINTENANCE

1. NEED TO HALT OR REDUCE NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

2. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

3. PROPER OPERATION AND MAINTENANCE

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by permittee as efficiently as possible and in a manner which will minimize upsets and discharges of excessive

pollutants and will achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and testing functions required to insure compliance with the conditions of this permit.

4. BYPASS OF TREATMENT FACILITIES

a. BYPASS NOT EXCEEDING LIMITATIONS

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Parts III.B.4.b. and 4.c.

b. NOTICE

(1) ANTICIPATED BYPASS

If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) UNANTICIPATED BYPASS

The permittee shall, within 24 hours, submit notice of an unanticipated bypass as required in Part III.D.7.

c. PROHIBITION OF BYPASS

(1) Bypass is prohibited, and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Part III.B.4.b.

(2) The Director may allow an enticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed at Part III.B.4.c(1).

5. UPSET CONDITIONS

a. EFFECT OF AN UPSET

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part III.B.5.b. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b. CONDITIONS NECESSARY FOR A DEMONSTRATION OF UPSET

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset as required by Part III.D.7; and,

(4) The permittee complied with any remedial measures required by Part III.B.2.

c. BURDEN OF PROOF

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. REMOVED SUBSTANCES

Unless otherwise authorized, solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

7. PERCENT REMOVAL (PUBLICLY OWNED TREATMENT WORKS)

For publicly owned treatment works, the 30-day average (or Monthly Average) percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent unless otherwise authorized by the permitting authority in accordance with 40 CFR 133.103.

C. MONITORING AND RECORDS

1. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by the law to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

2. REPRESENTATIVE SAMPLING

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

3. RETENTION OF RECORDS

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the Director at any time.

4. RECORD CONTENTS

Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) and time(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

5. MONITORING PROCEDURES

a. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit or approved by the Regional Administrator.

b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory.

6. FLOW MEASUREMENTS

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes.

D. REPORTING REQUIREMENTS

1. PLANNED CHANGES

a. INDUSTRIAL PERMITS

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

(1) The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR Part 122.29(b); or,

(2) The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements listed at Part III.D.10.a.

b. MUNICIPAL PERMITS

Any change in the facility discharge (including the introduction of any new source or significant discharge or significant changes in the quantity or quality of existing discharges of pollutants) must be reported to the permitting authority. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. TRANSFERS

This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

4. DISCHARGE MONITORING REPORTS AND OTHER REPORTS

Monitoring results must be reported on Discharge Monitoring Report (DMR) Form EPA No. 3320-1 in accordance with the "General Instructions" provided on the form. The permittee shall submit the original DMR signed and certified as required by Part III.D.11 and all other reports required by Part III.D. to the EPA at the address below. Duplicate copies of DMR's and all other reports shall be submitted to the appropriate State agency(ies) at the following address(es):

EPA:
Compliance Assurance and Enforcement Division
Water Enforcement Branch (6EN-W)
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

New Mexico:
Program Manager
Surface Water Quality Bureau
New Mexico Environment Department
1190 Saint Francis Drive

Santa Fe, NM 87502

Oklahoma (Industrial Permits Only):
Director
Oklahoma Department of Environmental Quality
1000 NE 10th Street
Oklahoma City, OK 73117-1212

Louisiana:
Assistant Secretary for Water
Water Pollution Control Division
Louisiana Department of Environmental Quality
P.O. Box 82215
Baton Rouge, LA 70884-2215

5. ADDITIONAL MONITORING BY THE PERMITTEE

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

6. AVERAGING OF MEASUREMENTS

Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Director in the permit.

7. TWENTY-FOUR HOUR REPORTING

a. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall be provided within 5 days of the time the permittee becomes aware of the circumstances. The report shall contain the following information:

(1) A description of the noncompliance and its cause;

(2) The period of noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and,

(3) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.

b. The following shall be included as information which must be reported within 24 hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; and,

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part II (industrial permits only) of the permit to be reported within 24 hours.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

8. OTHER NONCOMPLIANCE

The permittee shall report all instances of noncompliance not reported under Parts III.D.4 and D.7 and Part I.B (for industrial permits only) at the time monitoring reports are submitted. The reports shall contain the information listed at Part III.D.7.

9. OTHER INFORMATION

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information.

10. CHANGES IN DISCHARGES OF TOXIC SUBSTANCES

All existing manufacturing, commercial, mining, and silvacultural permittees shall notify the Director as soon as it knows or has reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) One hundred micrograms per liter (100 µg/L);
(2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
(4) The level established by the Director.

b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/L);
(2) One milligram per liter (1 mg/L) for antimony;
(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
(4) The level established by the Director.

11. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Director shall be signed and certified.

a. ALL PERMIT APPLICATIONS shall be signed as follows:

(1) FOR A CORPORATION - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a)
A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,

(b)
The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or

having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) FOR A PARTNERSHIP OR SOLE PROPRIETORSHIP - by a general partner or the proprietor, respectively.

(3) FOR A MUNICIPALITY, STATE, FEDERAL, OR OTHER PUBLIC AGENCY - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

b. ALL REPORTS required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or an individual occupying a named position; and,

(3) The written authorization is submitted to the Director.

c. CERTIFICATION

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

12. AVAILABILITY OF REPORTS

Except for applications, effluent data, permits, and other data specified in 40 CFR 122.7, any information submitted pursuant to this permit may be claimed as confidential by the submitter. If no claim is made at the time of submission, information may be made available to the public without further notice.

13. ARCHEOLOGICAL/HISTORICAL SITES (TEXAS PERMITS ONLY)

If during the life of this permit, new construction or land acquisition or any construction related activity where previously undisturbed ground is proposed for disturbance by the permittee which is related to an activity authorized by this permit, the permittee shall send the following items to the Texas State Historic Preservation Officer (SHPO): (1) a description of the new construction and the potential impact that this activity may have upon the ground (including sludge application methods, if applicable), and (2) a copy of a USGS topographic map outlining the location of the project and associated sludge disposal areas or other ancillary impact areas. The address of the Texas SHPO is:

Texas State Historic Preservation Officer
Department of Antiquities Protection
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711

This information will be used by the Texas SHPO and EPA to consult according to the requirements of 36 CFR Part 800.4-800.6 on methods to minimize harm to historical properties. The applicant will be contacted within 30 days about further actions that may be needed to meet the requirements of 36 CFR Part 800.

E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

1. CRIMINAL

a. NEGLIGENT VIOLATIONS

The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. KNOWING VIOLATIONS

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. KNOWING ENDANGERMENT

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both.

d. FALSE STATEMENTS

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of

a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. CIVIL PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $25,000 per day for each violation.

3. ADMINISTRATIVE PENALTIES

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

a. CLASS I PENALTY

Not to exceed $10,000 per violation nor shall the maximum amount exceed $25,000.

b. CLASS II PENALTY

Not to exceed $10,000 per day for each day during which the violation continues nor shall the maximum amount exceed $125,000.

F. DEFINITIONS

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. ACT means the Clean Water Act (33 U.S.C. 1251 et. seq.), as amended.

2. ADMINISTRATOR means the Administrator of the U.S. Environmental Protection Agency.

3. APPLICABLE EFFLUENT STANDARDS AND LIMITATIONS means all state and Federal effluent standards and limitations to which a discharge is subject under the Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.

4. APPLICABLE WATER QUALITY STANDARDS means all water quality standards to which a discharge is subject under the Act.

5. BYPASS means the intentional diversion of waste streams from any portion of a treatment facility.

6. DAILY DISCHARGE means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the sampling day. "Daily discharge" determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the "daily discharge" determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

7. DAILY AVERAGE (also known as MONTHLY AVERAGE) discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes daily average concentration effluent limitations or conditions, the daily average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily concentration, F = daily flow and n = number of daily samples; daily average discharge =

$$\frac{C_1F_1 + C_2F_2 + \ldots + C_nF_n}{F_1 + F_2 + \ldots + F_n}$$

8. DAILY MAXIMUM discharge limitation means the highest allowable "daily discharge" during the calendar month.

9. DIRECTOR means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.

10. ENVIRONMENTAL PROTECTION AGENCY means the U.S. Environmental Protection Agency.

11. GRAB SAMPLE means an individual sample collected in less than 15 minutes.

12. INDUSTRIAL USER means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.

13. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Act.

14. SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

15. SEWAGE SLUDGE means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

16. TREATMENT WORKS means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.

17. UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of